

**Plaintiff Twana Ahmed *Will Call*:**

witness	brief statement of the subject matter and substance of their testimony	deposed and type	sworn @ trial	testified @ trial
	<b>defendant's current or former employees</b>			
<b>Twana Ahmed</b> 9919 Richmond Avenue, Apt. 1122 Houston, TX 77042 (832) 896-9276	Plaintiff.  How defendant treated him as an employee and his damages.	deposed fact witness		
<b>Katherine Alyea</b> Last known work: Allied Universal 11811 N. Freeway, Suite 810 Houston, TX 77060 (713) 321-0086	Defendant's Senior Regional HR Manager.  Defendant's HR systems, policies, and procedures. Her assignment of Defendant's HR Representative Wayne Oliver to speak with Twana Ahmed regarding Mr. Ahmed's discrimination report.	deposed fact witness		
<b>Catherine Barnes</b> Last known work: Allied Universal 11811 N. Freeway, Suite 810 Houston, TX 77060 (832) 786-3911	Defendant's HR Coordinator.  Defendant's HR systems, policies, and procedures. Receipt and process of handling Twana Ahmed's report of discrimination.	not deposed fact witness		
<b>Alexander Bergeron</b> Last known work: Allied Universal 11811 N. Freeway, Suite 810 Houston, TX 77060	Defendant's Field Supervisor.  One of defendant's employees who supervised Twana Ahmed. Knowledge of Twana Ahmed's work and qualifications, defendant's policies and procedures, and events surrounding Mr. Ahmed's suspension and termination.	Not deposed fact witness		

<b>Patrick Freeney</b> Last known home: 17011 Colt Creek Court Humble, TX 77346 (762) 524-1023	Defendant's Client Manager.  One of defendant's employees who supervised Twana Ahmed. Knowledge of how defendant treated Twana Ahmed, defendant's policies and procedures, and events surrounding Mr. Ahmed's suspension and termination.	not deposed fact witness		
<b>Wayne Oliver</b> Last known work: Allied Universal 11811 N. Freeway, Suite 810 Houston, TX 77060 (713) 321-0086	Defendant's Regional HR Representative.  Knowledge concerning investigation into Twana Ahmed's reports of discrimination after Mr. Ahmed's termination, defendant's HR systems, policies and procedures.	not deposed fact witness		
<b>Mauro Andres Siboldi</b> Last known home: 4634 Hawk Meadow Dr. Katy, TX 77449 (346) 316-0299	Defendant's former Security Officer.  Knowledge concerning discrimination at defendant, the training that security officers went through, and the work environment.	not deposed fact witness		
<b>Mauricio Zepeda</b> Last known home: 11300 Regency Green Dr., Apt. 1307 Cypress, TX 77429 (832) 580-2829	Defendant's Site Supervisor.  Knowledge concerning his supervision of Twana Ahmed for defendant, defendant refusing to accommodate Mr. Ahmed's religion concerning Mr. Ahmed's beard, Mr. Ahmed's work and qualifications, defendant's policies and procedures, and the events surrounding Mr. Ahmed's suspension and termination.	not deposed fact witness		
<b>harm defendant caused to Twana Ahmed</b>				
<b>Manaure Bethencourt</b> 7500 Emmett F. Lowry Express La Marque, TX 77591 (409) 354-8531	Friend of Twana Ahmed.  Knowledge of how defendant harmed Twana Ahmed.	not deposed fact witness		

	defendant																																																															
<b>Universal Protection Service, LP d/b/a Allied Universal</b> 450 Exchange Irvine, CA 92602-5002	<p>Entity defendant.</p> <p>Knowledge of defendant’s policies and procedures, and events surrounding Mr. Ahmed’s employment, suspension, and termination. Testifying via the stenographic and/or audio and video recording of its FRCP 30(b)(6) representative.</p> <p>deposition transcript pages and lines:</p> <table><tr><td>page 5 lines 13-23</td><td>page 59 lines 1, 13-25</td><td>page 89 lines 5-25</td></tr><tr><td>page 6 lines 15-23</td><td>page 60 lines 1-15</td><td>page 90 lines 1-18</td></tr><tr><td>page 7 lines 11-17</td><td>page 62 lines 16-25</td><td>page 93 lines 18-25</td></tr><tr><td>page 8 lines 6-9, 15-25</td><td>page 63 lines 1-14</td><td>page 94 lines 1-25</td></tr><tr><td>page 9 lines 1-13</td><td>page 64 lines 1-13, 21-25</td><td>page 95 lines 1-25</td></tr><tr><td>page 12 lines 22-25</td><td>page 65 lines 1-7</td><td>page 96 lines 1-21</td></tr><tr><td>page 13 lines 1-6</td><td>page 70 lines 18-21, 22-25</td><td>page 98 lines 11-17, 21-25</td></tr><tr><td>page 21 lines 4-7, 8-14</td><td>page 71 lines 1-4, 5-8, 9-10, 12-19</td><td>page 99 lines 1-4</td></tr><tr><td>page 22 lines 21-25</td><td>page 72 lines 9-24</td><td>page 113 lines 23-25</td></tr><tr><td>page 23 lines 1-2, 5</td><td>page 75 lines 11-12, 17-25</td><td>page 114 line 1</td></tr><tr><td>page 27 lines 7-25</td><td>page 76 lines 1-25</td><td>page 115 11-13, 16-25</td></tr><tr><td>page 28 lines 1-7</td><td>page 77 lines 1-5</td><td>page 116 lines 1-7, 11-13, 14-16, 19-21, 22-23</td></tr><tr><td>page 36 lines 10-25</td><td>page 78 lines 4-6</td><td>page 117 lines 1-4, 7-12, 22-25</td></tr><tr><td>page 37 lines 1-16</td><td>page 79 lines 4-8, 9-15</td><td>page 118 lines 1-5, 6-9, 14-15</td></tr><tr><td>page 45 lines 8-11, 22-25</td><td>page 80 line 25</td><td>page 119 lines 6-8 , 9-18, 25</td></tr><tr><td>page 46 lines 1-3, 8</td><td>page 81 lines 1-5, 22-25</td><td>page 120 lines 1-15, 16-25</td></tr><tr><td>page 55 lines 17-25</td><td>page 82 lines 1-25</td><td>page 121 lines 1-14, 15-22</td></tr><tr><td>page 56 lines 1-5, 12-25</td><td>page 83 lines 1-10</td><td>page 122 line 25</td></tr><tr><td>page 57 lines 1-6</td><td>page 85 lines 9-12, 14-25</td><td>page 123 lines 1-4, 9-10, 17-20</td></tr><tr><td>page 58 lines 3-7, 20-25</td><td>page 86 line 1, 2-23</td><td>page 124 lines 2-6</td></tr></table> <p>these excerpts, highlighted, are attached to this witness list.</p>	page 5 lines 13-23	page 59 lines 1, 13-25	page 89 lines 5-25	page 6 lines 15-23	page 60 lines 1-15	page 90 lines 1-18	page 7 lines 11-17	page 62 lines 16-25	page 93 lines 18-25	page 8 lines 6-9, 15-25	page 63 lines 1-14	page 94 lines 1-25	page 9 lines 1-13	page 64 lines 1-13, 21-25	page 95 lines 1-25	page 12 lines 22-25	page 65 lines 1-7	page 96 lines 1-21	page 13 lines 1-6	page 70 lines 18-21, 22-25	page 98 lines 11-17, 21-25	page 21 lines 4-7, 8-14	page 71 lines 1-4, 5-8, 9-10, 12-19	page 99 lines 1-4	page 22 lines 21-25	page 72 lines 9-24	page 113 lines 23-25	page 23 lines 1-2, 5	page 75 lines 11-12, 17-25	page 114 line 1	page 27 lines 7-25	page 76 lines 1-25	page 115 11-13, 16-25	page 28 lines 1-7	page 77 lines 1-5	page 116 lines 1-7, 11-13, 14-16, 19-21, 22-23	page 36 lines 10-25	page 78 lines 4-6	page 117 lines 1-4, 7-12, 22-25	page 37 lines 1-16	page 79 lines 4-8, 9-15	page 118 lines 1-5, 6-9, 14-15	page 45 lines 8-11, 22-25	page 80 line 25	page 119 lines 6-8 , 9-18, 25	page 46 lines 1-3, 8	page 81 lines 1-5, 22-25	page 120 lines 1-15, 16-25	page 55 lines 17-25	page 82 lines 1-25	page 121 lines 1-14, 15-22	page 56 lines 1-5, 12-25	page 83 lines 1-10	page 122 line 25	page 57 lines 1-6	page 85 lines 9-12, 14-25	page 123 lines 1-4, 9-10, 17-20	page 58 lines 3-7, 20-25	page 86 line 1, 2-23	page 124 lines 2-6	deposed fact witness		
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**Plaintiff Twana Ahmed *May* Call:**

witness	brief statement of the subject matter and substance of their testimony	deposed and type	sworn @ trial	testified @ trial
	<b>defendant's current or former employees</b>			
<b>Krystal Balanta</b> Last known work: Allied Universal 1717 Turning Basin Dr., Suite 235 Houston, TX 77029 (281) 908-0665	Defendant's Recruiter.  Knowledge of defendant making Twana Ahmed ineligible for re-hire, and events surrounding Mr. Ahmed's suspension and termination.	not deposed fact witness		
<b>Matthew Gaussen</b> Last known work: Allied Universal 11811 North Freeway, Suite 810 Houston, TX 77060	Defendant's Director of Operations.  Knowledge concerning defendant's policies and procedures, the investigation into Twana Ahmed's reports of discrimination and retaliation, and the events surrounding Mr. Ahmed's suspension and termination.	not deposed fact witness		
<b>Martin Hernandez</b> Last known work: Allied Universal 11811 North Freeway, Suite 810 Houston, TX 77060	Defendant's Trainer.  Knowledge concerning how defendant treated Twana Ahmed in onboarding / training as an employee of defendant, and the company policies and procedures applied to Mr. Ahmed.	not deposed fact witness		
<b>Nathan Hernandez</b> Last known work: Allied Universal 11811 North Freeway, Suite 810 Houston, TX 77060 (281) 219-7191	Defendant's Field Supervisor.  Supervised Twana Ahmed for Defendant. Knowledge concerning Mr. Ahmed's work and qualifications, defendant's policies and procedures, and the events surrounding Mr. Ahmed's suspension and termination.	not deposed fact witness		

<b>Chelsea Joseph</b> 3802 Simsbrook Drive Houston, TX 77045 (832) 517-2371	Defendant's former employee.  Knowledge concerning discrimination and retaliation at defendant, the training that security officers went through, and the work environment.	not deposed fact witness		
<b>Bill King</b> Last known work: Allied Universal 11811 North Freeway, Suite 810 Houston, TX 77060 (346) 802-8305	Defendant's Regional Vice President.  Knowledge concerning defendant's training, policies and procedures, generally and as applied to Twana Ahmed, and the events surrounding Mr. Ahmed's suspension and termination.	not deposed fact witness		
<b>Don Massey</b> Last known work: Allied Universal 1776 Woodstead Court, Suite 224 The Woodlands, TX 77380 (281) 725-8623	Defendant's former General Manager.  Knowledge concerning Twana Ahmed's training with defendant, defendant's policies and procedures, and the events surrounding Mr. Ahmed's suspension and termination.	not deposed fact witness		
<b>Monroe McClain</b> Last known work: Allied Universal 11811 North Freeway, Suite 810 Houston, TX 77060 (281) 881-4473	Defendant's Regional Trainer.  Knowledge concerning training of Twana Ahmed, Mr. Ahmed's work and qualifications, and defendant's policies and procedures.	not deposed fact witness		
<b>Kareem McKinnon</b> Last known work: Allied Universal 11811 North Freeway, Suite 810 Houston, TX 77060 (832) 687-9248	Defendant's former Regional Vice President and current Senior Vice President.  Knowledge concerning defendant's policies and procedures, the investigation into Twana Ahmed's reports of discrimination and retaliation, and the events surrounding Mr. Ahmed's suspension and termination.	not deposed fact witness		

<b>Patrick Parham</b> Last known work: Allied Universal 11811 North Freeway, Suite 810 Houston, TX 77060	Defendant's Field Supervisor.  Knowledge of his supervision of Twana Ahmed, Mr. Ahmed's work and qualifications, defendant's policies and procedures, and the events surrounding Mr. Ahmed's suspension and termination.	not deposed fact witness		
<b>Raymond Rodriguez</b> Last known work: Allied Universal 11811 N. Freeway, Suite 810 Houston, TX 77060 (832) 441-2052  Last known home address [see ECF 34-1, p. 151]:  16402 Ashlyn Timbers Lane Magnolia, TX 77355 (832) 513-0699	Defendant's former Security Officer and current Field Supervisor.  Knowledge concerning the training that security officers went through with defendant, defendant's use of force policies, and the working environment.	not deposed fact witness		
<b>Dwayne Trahan</b> Last known work: Allied Universal 11811 N. Freeway, Suite 810 Houston, TX 77060	Defendant's former Client Manager.  Knowledge concerning the training that defendant's security officers went through, use of force policies, defendant's process of hiring Twana Ahmed, and the working environment.	not deposed fact witness		

	defendant's client			
<b>Meredith Rodriques</b> Last known work: H-E-B 5895 San Felipe St. Houston, TX 77057 (713) 278-8450	H-E-B Manager in Charge.  Knowledge of H-E-B's security agreements with defendant, of Twana Ahmed's work, and report of man attempting theft / request for Twana Ahmed to stop the attempted theft at H-E-B store Ms. Rodrigues was managing.	not deposed fact witness		
	witness to security officer mistreatment			
<b>Kamesha Sterling</b> Last known work: 5603 Fair Forest Dr. Houston, TX 77088 (832) 526-0047	Patron of a grocery store at which defendant contracted to provide security.  Knowledge of defendant's security officer mistreatment of patron at store, video she took of a defendant security officer at a Kroger on more than one occasion.	not deposed fact witness		

Plaintiff Twana Ahmed may also call any witness listed on Defendant's witness list.

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1 for Universal Protection Service, LP, doing  
2 business as Allied Universal Security Services.

3 THE VIDEOGRAPHER: Thank you,  
4 Counsel.

5 Would the reporter please swear in  
6 the witness.

7 ANNA SOJA, PMK, a witness  
8 herein, having been first duly sworn, was  
9 examined and testified as follows:

10 EXAMINATION

11 BY ATTORNEY HERNANDEZ:

12 Q. Thank you.

13 Do you agree that companies must  
14 protect employees from discrimination in the  
15 workplace?

16 A. Yes, I do.

17 Q. Is that important?

18 A. Yes, it is.

19 Q. On a scale of 1 to 10 where 1 is not  
20 important at all, and 10 is the most important,  
21 how important is it that companies protect  
22 employees from discrimination in the workplace?

23 A. 10.

24 Q. Why is that important?

25 A. It is important for us to be able to



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1 protect our employees from any discrimination  
2 based on any race, religion, national origin,  
3 or any protected classes as stated by the law.

4 Q. Is there any other reason why it's  
5 important besides the law?

6 A. Yes. It is good for us to foster a  
7 safe and comfortable environment for all of our  
8 employees, to foster an inclusive and diverse  
9 environment for our employees.

10 So it is very important for us to be  
11 able to have an environment where individuals  
12 are able to come into work, feel comfortable  
13 when they're in the work environment and the  
14 individuals they are working with.

15 Q. Do you agree that companies must  
16 protect employees from retaliation when they  
17 report discrimination?

18 A. Yes, I do.

19 Q. Is that important?

20 A. Yes, it is.

21 Q. On the same scale of 1 to 10, how  
22 would you rate that?

23 A. 10.

24 Q. And why is it important to protect  
25 employees from retaliation?

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1           A.       It is important for us to protect  
2 employees from retaliation in order for them to  
3 feel comfortable in the environment they are  
4 working with and to protect them from any  
5 lawful behaviors conducted by other  
6 individuals.

7                     And to make sure that they have an  
8 environment that they could work in where they  
9 don't fear that they will be retaliated against  
10 if they brought any matters to our attention.

11           Q.       Do you agree that companies must  
12 protect employees from retaliation when they  
13 request religious accommodations?

14           A.       Yes, I do.

15           Q.       And on the same scale of 1 to 10,  
16 how important is that?

17           A.       10.

18           Q.       And why is that important?

19           A.       It is important for us -- for our  
20 companies -- or Allied Universal -- to ensure  
21 that an individual is able to bring to our  
22 attention a reasonable accommodation request  
23 and for us to review the accommodation request  
24 and be able to provide them with an interactive  
25 conversation to protect their rights and for us

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1 to be able to review all the information that  
2 was provided to us to ensure that we are  
3 protecting their rights and reviewing the  
4 information they brought to us in regards to  
5 any accommodations.

6 Q. Do you agree that not protecting  
7 employees from discrimination or retaliation  
8 can be unsafe?

9 A. I do.

10 Q. Is it fine with you if I refer to  
11 "Allied Universal" or "Universal Protection  
12 Services, LP," as just "Allied"?

13 A. Yes. Yeah.

14 Q. Thank you.

15 Are Allied's policies and procedures  
16 mandatory?

17 A. Yes, they are.

18 Q. Allied has a zero-tolerance policy  
19 for discrimination and harassment; correct?

20 A. Yes, they do.

21 Q. And Allied also has a zero-tolerance  
22 policy for retaliation in the work place?

23 A. That is correct, yes.

24 Q. On a scale of 1 to 10, 1 being not  
25 important at all and 10 being the most

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1 important, how important is it to Allied that  
2 it follow its policies and procedures?

3 A. 10.

4 Q. Okay. And on the same scale of 1 to  
5 10, how important is it to Allied that there be  
6 no discrimination in the workplace?

7 A. 10.

8 Q. And same scale, that there be no  
9 retaliation in the workplace?

10 A. 10.

11 Q. And same scale, that there be no  
12 harassment in the workplace?

13 A. 10.

14 Q. How does Allied ensure that there is  
15 no discrimination in the workplace?

16 A. Well, Allied does provide several  
17 trainings for all individuals for -- from every  
18 level, from a security professional to senior  
19 management, to ensure that they are well aware  
20 of what is determined to be discrimination,  
21 harassment, retaliation so they're well versed  
22 and understand that.

23 And we also provide all of our  
24 employees on every level a platform to report  
25 any reports of discrimination, harassment,

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1 It depends on how long they've been with the  
2 organization, but there is continuous training.

3 We do have something that's called  
4 core training, that they have to complete as  
5 mandatory training, all paid. There's several  
6 levels of the training. It depends on their  
7 specific role.

8 So for example, for security  
9 professionals, there's guidelines of what  
10 training they are mandatory to complete.

11 There's also voluntary training  
12 available for all of our security professionals  
13 through an online platform.

14 There's also site-specific  
15 client-requested training that security  
16 professionals go through.

17 So it's continuous throughout their  
18 employment.

19 Q. And -- excuse me.

20 I probably asked the question  
21 incorrectly.

22 But specific to training on  
23 discrimination and retaliation, aside from the  
24 new -- the new employee orientation module, are  
25 employees required to take additional training

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1 on discrimination and retaliation?

2 A. Yes, if it's State mandated.

3 Q. Okay. So, for example, in Texas are  
4 they required to?

5 A. The State does not require it in  
6 Texas.

7 Q. Okay. And so if so, Twana Ahmed who  
8 was working at Allied, he would have completed  
9 the module that you referred to when he was  
10 initially hired?

11 A. That is correct.

12 Q. Okay. And so would there be  
13 evidence of that completion in the test that  
14 was taken somewhere?

15 A. So there is -- so there's a  
16 compliance code that is entered into the  
17 compliance tracker in their employee file, that  
18 outlines that new employee orientation was  
19 completed, and that means that it was  
20 successfully completed because there is a final  
21 exam at the end.

22 If an employee or new hire at new  
23 employer orientation does not pass that exam,  
24 we do not move forward with employment for  
25 them. So in Mr. Ahmed's situation, he would

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1 Q. Was Patrick Freeney disciplined in  
2 any way during his time at Allied?

3 A. He was not.

4 Q. Okay. Do you agree that  
5 discrimination in the workplace is a  
6 foreseeable danger to employees?

7 A. Yes, it is. It could be, yes.

8 Q. Okay. Why is that?

9 A. Well, it depends. If an  
10 organization becomes aware of such instance and  
11 doesn't act on it, it could escalate between  
12 the individuals involved. So it could pose a  
13 danger if the company doesn't become involved  
14 in the matter.

15 Q. In developing Allied's policies and  
16 procedures applicable to preventing  
17 discrimination and retaliation in the  
18 workplace, did Allied consider any statistics  
19 related to, say, the percentage of employees  
20 that experience discrimination?

21 A. I do not know.

22 Q. In your experience as an HR  
23 professional, have you encountered any studies  
24 showing percentages of employees that report  
25 having experienced discrimination?

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1 A. I do not.

2 ATTORNEY SHINE: Objection to  
3 outside the scope, Amanda.

4 BY ATTORNEY HERNANDEZ:

5 Q. In your education and training and  
6 experience, are you aware that oftentimes  
7 employees that experience discrimination often  
8 do not report it out of fear of retaliation?

9 ATTORNEY SHINE: Again,  
10 objection. Outside the scope.

11 BY ATTORNEY HERNANDEZ:

12 Q. You can still answer.

13 ATTORNEY SHINE: To the extent  
14 she has any knowledge, she can answer.

15 THE WITNESS: And I'm sorry.  
16 Can you rephrase the question?

17 BY ATTORNEY HERNANDEZ:

18 Q. Sure. At -- you are an HR  
19 professional; correct?

20 A. That is correct.

21 Q. Okay. How long have you been  
22 working in HR?

23 A. A little over 10 years.

24 Q. And so in your experience as an HR  
25 professional, are you aware that oftentimes



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1 employees that experience discrimination will  
2 not report it out of fear of retaliation?

3 ATTORNEY SHINE: My objection  
4 stands.

5 THE WITNESS: Yes.

6 ATTORNEY SHINE: But she may  
7 answer.

8 THE WITNESS: Yes.

9 BY ATTORNEY HERNANDEZ:

10 Q. Okay. Have you -- in your studies,  
11 have you seen a report noted by the EEOC that  
12 roughly 75 percent of employees that have  
13 reported workplace conduct have experienced  
14 retaliation?

15 ATTORNEY SHINE: Objection.  
16 Outside the scope.

17 To the extent she has any personal  
18 knowledge, she may answer. However, this is  
19 not the appropriate question for a 30(b)(6)  
20 witness.

21 BY ATTORNEY HERNANDEZ:

22 Q. You may answer.

23 A. I do not.

24 Q. How does Allied ensure the  
25 discrimination and harassment is not occurring

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1 administrative staff.

2 Q. I'm sorry. So that sounded like a  
3 manager checking in with its security  
4 professionals, but I believe you said that  
5 Allied monitors its managers to ensure that  
6 they are not engaging in discrimination.

7 How -- how does Allied monitor its  
8 managers to ensure that they are not engaging  
9 in discrimination?

10 A. Well, we're just hosting meetings.  
11 I mean, it would be very difficult for us to  
12 determine whether a manager is behaving in a  
13 discriminatory manner unless they fully display  
14 that to us.

15 If there was a meeting held or a  
16 site visit where a manager fully displayed that  
17 they were discriminating against an employee,  
18 making an inappropriate comment, it would be  
19 addressed immediately.

20 Otherwise, if there's no signs that  
21 a manager is, you know, being -- discriminating  
22 against people or having -- or making  
23 inappropriate comments that are not made to us  
24 or being reported to us, it'd be difficult for  
25 us to determine whether a manager is practicing

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1 that without, you know, any reporting of it or  
2 visible acts of it.

3 Q. Okay. So aside from, like, meetings  
4 that the manager would have with their  
5 superiors, there's no other way that Allied can  
6 monitor the managers; true?

7 A. That's correct.

8 Q. Okay. Do you agree that  
9 discrimination in the workplace is preventable?

10 A. I -- I mean, that's a difficult  
11 question. But, I mean, as much as we would  
12 like for it to be prevented, no, I don't think  
13 it's 100 percent preventable because we can't  
14 control individuals.

15 Q. Okay. Why not?

16 A. Well, you know, we can give all the  
17 tools for a manager or individuals to be  
18 successful and know, you know, the policies,  
19 procedures, laws against preventing these type  
20 of discriminatory acts, but as far as an  
21 individual, what they -- when they do that,  
22 it's hard for the organization to be able to  
23 prevent that because we can't control an  
24 individual's acts.

25 What we can do, from a company

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1 payroll records. They're responsible for  
2 managing that employees are calling in, calling  
3 out. Responsible for ensuring that employees  
4 are following company guidelines as far as  
5 utilizing our technology while they're on post.

6 And interacting with clients and the  
7 general public to make sure that our security  
8 professionals are meeting company standards and  
9 client requirements.

10 Q. Was Patrick Freeney considered the  
11 Elite account manager?

12 A. He -- I don't -- I wouldn't say that  
13 he was the Elite account manager. He oversaw  
14 the AGB account, and the Elite program was  
15 embedded into that account.

16 Q. And did he oversee that for all of  
17 Houston?

18 A. I do not know.

19 Q. Okay. Do you know how many security  
20 professionals he managed?

21 A. I do not know.

22 Q. Did Pat -- did Patrick have  
23 authority to hire new members to his team?

24 A. Yes, he did.

25 Q. Did he have authority to discipline

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1 members of his team?

2 A. Yes, he did.

3 Q. Did he have authority to approve  
4 whether members of the team worked overtime?

5 A. Yes, he did.

6 Q. And I think you said this already,  
7 but he had authority to set employee schedules  
8 or alter employee schedules?

9 A. Yes.

10 Q. And did he have authority to fire  
11 members of his team?

12 A. Yes.

13 Q. It was Patrick Freeney that  
14 recommended Twana Ahmed be fired from Allied;  
15 true?

16 A. Yes.

17 Q. What is your title with Allied?

18 A. Human resources director, regional  
19 for the Midwest.

20 Q. And how long have you worked with  
21 Allied?

22 A. Eight years.

23 Q. Have you always been the human  
24 resources director?

25 A. No.

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1 30(b)(6) witness.

2 To the extent you have personal  
3 knowledge and would like to testify to that,  
4 you may answer.

5 THE WITNESS: Yes, I do. I do  
6 believe that it is important.

7 BY ATTORNEY HERNANDEZ:

8 Q. Does Allied require that  
9 investigations be conducted immediately when an  
10 employee reports discrimination or harassment?

11 A. Yes.

12 Q. Okay. Do you agree that it would be  
13 wrong to ignore reports of discrimination or  
14 harassment?

15 A. Yes.

16 ATTORNEY SHINE: Objection.  
17 Outside the scope.

18 To the extent she has personal  
19 knowledge, she may answer.

20 THE WITNESS: Yes.

21 BY ATTORNEY HERNANDEZ:

22 Q. Okay. Would it be against Allied's  
23 policies to ignore reports of discrimination or  
24 harassment?

25 A. Yes.

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1 Q. Do you agree that it would be -- do  
2 you agree that it would be reckless to ignore  
3 reports of discrimination or harassment?

4 ATTORNEY SHINE: Objection.  
5 Outside the scope.

6 To the extent she has personal  
7 knowledge, she can answer.

8 THE WITNESS: Yes.

9 BY ATTORNEY HERNANDEZ:

10 Q. I cannot remember if you already  
11 answered this, but does Allied have or use any  
12 manuals on how to conduct investigations into  
13 reports of discrimination?

14 A. Yes. There are guidelines provided  
15 on how to conduct an investigation.

16 Q. Okay. Is that, like -- where is  
17 that housed? Is it housed in an actual manual  
18 like a physical book, or is it something  
19 online?

20 A. We are predominantly digital, so it  
21 is housed on a company platform under human  
22 resources categories, and it outlines and it  
23 has -- there's a file that contains all that  
24 information.

25 Q. And so is there -- so is there -- is

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1 against that individual.

2 Q. Do you have experience spotting red  
3 flags of discrimination?

4 ATTORNEY SHINE: Objection.  
5 Outside the scope of the 30(b)(6) witness.

6 To the extent she has personal  
7 knowledge, she may testify in an individual  
8 capacity.

9 THE WITNESS: I mean, I would  
10 say, yes, I would look for patterns, and I  
11 would look for if there's anything that sticks  
12 out, that needs to be further looked at. Yeah.

13 BY ATTORNEY HERNANDEZ:

14 Q. Do any come to mind to you right  
15 now?

16 A. No.

17 Q. Okay. Could it be a red flag of  
18 discrimination if, say, an employee's accent  
19 was mocked?

20 A. Yes, that could be.

21 Q. Could it be a red flag of  
22 discrimination if an employee was pressured to  
23 shave his beard after indicating a religious  
24 need to keep the beard?

25 A. Yes.



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1 Q. Could it be a red flag of  
2 discrimination if an employee was pressured to  
3 shave his beard, but other employees were not  
4 pressured to shave their beard?

5 A. Yes.

6 Q. Could it be a red flag of  
7 discrimination if an employee was issued a  
8 faulty weapon if others were issued working  
9 weapons?

10 A. I wouldn't say that was necessarily  
11 discrimination.

12 Q. Okay. Could it be a red flag of  
13 potential discrimination if an employee was not  
14 issued equipment that other employees in the  
15 same position were issued?

16 A. Yes.

17 Q. Could it be a red flag of  
18 discrimination if an employee of a different  
19 national origin was told to go back to his  
20 country?

21 A. Yes.

22 Q. Could cussing at an employee be a  
23 red flag of potential discrimination?

24 A. Yes.

25 Q. Could physical threats toward an

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1 employee be a red flag of potential

2 discrimination?

3 A. Yes.

4 Q. Could racial slurs toward an

5 employee be a red flag of discrimination?

6 A. Yes.

7 Q. Could a failure to follow policies  
8 be a red flag of discrimination?

9 A. I guess I would -- I think it would  
10 need to be a little more specific as to what  
11 policies they were failing to follow to see if  
12 it's related to discrimination because there  
13 are several policies that could not be  
14 followed.

15 So I guess it would depend on what  
16 policy is not being followed.

17 Q. Okay. In your understanding of  
18 employment retaliation, can disciplinary  
19 decisions ever be applied in a way that's  
20 retaliatory?

21 ATTORNEY SHINE: Objection.  
22 Outside the scope of a 30(b)(6) witness.

23 She may answer in an individual  
24 capacity to the extent she has knowledge.

25 THE WITNESS: Can you ask the

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1 question again?

2 BY ATTORNEY HERNANDEZ:

3 Q. Sure. In your understanding of  
4 employment retaliation, can disciplinary  
5 decisions ever be applied in a way that's  
6 retaliatory?

7 A. Yes.

8 Q. And so under Allied's policies and  
9 procedures and training in looking for signs of  
10 retaliation, under their procedures, is it --  
11 is something to look for close timing between a  
12 protected activity and the disciplinary action?

13 ATTORNEY SHINE: Objection.  
14 Calls for a legal conclusion.

15 To the extent she has personal  
16 knowledge, she can answer.

17 THE WITNESS: Yeah. I do not  
18 know.

19 BY ATTORNEY HERNANDEZ:

20 Q. Okay. Do you know what "protected  
21 activity" means?

22 A. Yes.

23 Q. Is that defined in Allied's  
24 policies?

25 A. Yes, it is. It's also included in

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1 the new employee orientation training.

2 Q. Okay. And how -- so what is  
3 protected activity? What's the definition of  
4 that protected activity?

5 ATTORNEY SHINE: Objection.  
6 Outside the scope. Calls for a legal  
7 conclusion.

8 To the extent she has personal  
9 knowledge or if you would like to rephrase with  
10 respect to Allied's definition of protected  
11 activity, she may answer.

12 BY ATTORNEY HERNANDEZ:

13 Q. What is Allied's definition of  
14 protected activity provided in the training?

15 A. Well, Allied -- Allied's definition  
16 of it would be -- any protected activity would  
17 be any individual that, you know, brings to our  
18 attention any religious -- for example,  
19 religious accommodation requests. Anything in  
20 regards to their sexual orientation, national  
21 origin, any protected classes.

22 And it would be our, you know,  
23 responsibility to ensure that we are protecting  
24 those individuals and those classes when they  
25 bring any matters to our attention of any type

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1 of, you know, activity that is outside the  
2 policy.

3 Q. And under those policies, would  
4 reporting discrimination be a protected  
5 activity?

6 A. Yes.

7 Q. Under Allied's policies, would  
8 opposing discrimination be a protected  
9 activity?

10 THE REPORTER: I'm sorry.

11 Ma'am --

12 ATTORNEY HERNANDEZ: I'm  
13 sorry. Did you answer?

14 THE WITNESS: Yes, yes. I  
15 apologize if you guys couldn't hear me.

16 BY ATTORNEY HERNANDEZ:

17 Q. Excuse me.

18 In the training that's you've  
19 received or provided, are you taught to look  
20 for signs of potential retaliation?

21 ATTORNEY SHINE: Objection.  
22 Outside the scope of a 30(b)(6) notice.

23 If it's directed to her personally  
24 or as a company.

25 ATTORNEY HERNANDEZ: Let me

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1 said. He said", "she said. She said," where  
2 we weren't able to fully substantiate the  
3 allegations due to a lack of evidence, and then  
4 subsequently, maybe the reporter then gets  
5 removed from a role that affects their pay or  
6 their schedule. That would be another example.

7 Q. Okay. Would close timing between  
8 the protected activity and then the discipline  
9 be a sign of retaliation?

10 A. It would depend on what the  
11 discipline would be. Is it a warranted  
12 discipline for a violation of policy, or if it  
13 wasn't a warranted disciplinary action. It  
14 would have to be reviewed.

15 Q. Sorry. Let me rephrase.

16 Could it be a potential sign of  
17 retaliation close timing between the protected  
18 activity and then the discipline?

19 A. It could be, but it would depend on  
20 the circumstances of the discipline.

21 Q. Okay. Could ignoring reports of  
22 discrimination be a sign of retaliation?

23 A. Yes.

24 Q. Could physical threats after a  
25 protected activity be a sign of retaliation?

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1 A. Yes.

2 Q. Could visible anger after protected  
3 activity be a sign of retaliation?

4 A. Yes.

5 Q. Could threats to fire an employee  
6 after protected activity be a sign of  
7 retaliation?

8 A. Yes.

9 Q. Could threat to revoke an employee's  
10 security license be a red flag of retaliation?

11 A. Yes.

12 Q. Could dispersant treatment be a sign  
13 of retaliation?

14 A. Yes.

15 ATTORNEY SHINE: Objection.

16 Calls for a legal conclusion.

17 BY ATTORNEY HERNANDEZ:

18 Q. For example, if someone was -- let's  
19 say, if one employee was merely suspended for  
20 violating a policy yet another employee that  
21 engaged in protected activity was fired for  
22 violating the same policy, could that be a  
23 potential sign of retaliation?

24 A. Can you rephrase the question,  
25 please.

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1 Q. Sure. If one employee was suspended  
2 for violating Allied's policy and another  
3 employee was fired for violating the same  
4 policy but they had engaged in protected  
5 activity, could that be a sign of retaliation?

6 A. Yes.

7 Q. Could it be a sign of retaliation if  
8 an employee's disciplinary form is falsified?

9 A. Yes.

10 Q. And could it be a sign of  
11 retaliation if a manager lies about having a  
12 witness present in a disciplinary meeting?

13 A. Yes.

14 Q. Okay. Thank you.

15 Do you agree that or -- does Allied  
16 agree that all investigations into  
17 discrimination or retaliation must be properly  
18 documented?

19 A. I'm sorry. Can you ask the question  
20 again?

21 Q. Sure. Does Allied agree that all  
22 investigations into discrimination or  
23 retaliation must be properly documented?

24 A. Yes.

25 Q. Okay. And Allied has investigation



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1 forms that it uses; correct?

2 A. It does have investigation forms,  
3 but they're not mandatory to be used. They're  
4 provided as a guideline.

5 Q. Okay. Are they considered the best  
6 practice?

7 A. Yes.

8 Q. You mentioned earlier a scenario of  
9 "He said. She said" or "He said. He said,"  
10 what are investigators taught to do if an  
11 employee reports one thing, but the manager  
12 denies it?

13 A. Well, those are the difficult ones.  
14 Right. But we do look for previous patterns.

15 So, for example, if we had a  
16 situation where we -- it was brought to our  
17 attention allegation of inappropriate  
18 misconduct or inappropriate comments and we --  
19 there was no witnesses, there's nothing that we  
20 could substantiate that the conversation  
21 even -- those conversations occurred,  
22 unfortunately, we don't have enough to state  
23 that, yes, this act occurred.

24 What we would do is look at any  
25 previous -- if there was any previous complaint

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1 that we find through the course of  
2 investigation. Right.

3 It's not really black and white when  
4 these investigations are occurring. The more  
5 questions that we ask, the more patterns that  
6 we are looking at, we are able to then possibly  
7 determine what our next steps are.

8 So it really depends on each  
9 situation. There's not one -- there's no  
10 situations that are all the same, so it really  
11 would depend on what we are able to collect,  
12 what we are able to find through the course of  
13 these investigations.

14 So it's really difficult to say,  
15 "Here's what the exact next step we would  
16 take." It would just depend on the information  
17 we're able to collect.

18 Q. Okay. What is Allied's policy on  
19 security professionals having beards?

20 A. Our policy -- our standard policy is  
21 they must be clean shaven.

22 Q. Okay. And if a security  
23 professional must keep a beard for religious  
24 purposes, is there an exception?

25 A. Well, we do ask for a religious

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1 accommodation to be completed so we have record  
2 of it, but it would be the same thing. They're  
3 allowed to keep their beard. It just has to be  
4 clean shaven.

5 Q. Can you define "clean shaven"?

6 A. So I believe there's a standard  
7 regarding, you know, them making sure it's  
8 shaved correctly right above the collar line.

9 Q. Okay.

10 A. It's not, like, messy. That it's,  
11 you know, well groomed.

12 Q. Okay. So a beard is allowed as long  
13 as it's above the collar line and not messy?

14 A. Correct.

15 Q. Okay. Are supervisors and managers  
16 trained that they should allow beards as long  
17 as it's above the collar line and not messy?

18 A. Yes. It's provided in the grooming  
19 standards. Yes.

20 Q. Okay. If a security professional  
21 tells his supervisor that he needs to keep his  
22 beard for religious purposes, what should  
23 happen?

24 A. They could ask for a religious  
25 accommodation, but it would have -- something

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1 to be reviewed depending on what they're  
2 requesting for their beard to be. Are they  
3 saying that they can't shave, be clean shaven  
4 during this time, the kind of questions we  
5 would ask.

6 But they would be allowed to have  
7 their beard.

8 Q. Okay. That's probably -- I probably  
9 asked a bad question, but what should the  
10 supervisor do if -- if the security  
11 professional is indicating that they want to  
12 keep their beard for religious purposes?

13 A. They should be able to allow them as  
14 it's not a violation of policy.

15 Q. Okay. So -- and it's -- it's  
16 against policy for the supervisor to  
17 continually pressure the employee to shave  
18 after they've expressed that request to keep  
19 the beard, right, for religious purposes?

20 A. There wouldn't be an exact policy  
21 saying that you can't continue to ask someone  
22 that, but no, there would be -- there shouldn't  
23 be a reason why a supervisor is pressuring  
24 someone to do so.

25 ATTORNEY HERNANDEZ: Okay. If

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1 that they felt that the investigation was  
2 inadequately completed or we did our own review  
3 and found the investigation was inadequately  
4 completed, we review what was done what was not  
5 done, and determine what level of discipline  
6 based on what was not properly conducted during  
7 that investigation.

8 So it depends on kind of the  
9 circumstances surrounding it.

10 BY ATTORNEY HERNANDEZ:

11 Q. Can you give me an example of  
12 when -- of an improper investigation?

13 ATTORNEY SHINE: Objection.  
14 Outside the scope.

15 To the extent she's answering from  
16 her personal knowledge, she may testify.

17 THE WITNESS: Sure. In one of  
18 the experiences that I, you know, we've had, we  
19 found that a manager didn't respond to a  
20 complaint. They received a text message of  
21 concerns regarding their supervisors. The  
22 manager failed to even respond or act on it.

23 And then it was brought to our  
24 attention later that the employee was leaving  
25 the organization because they were not -- they

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1 felt that we didn't do any actions to act on  
2 their complaint.

3 And the manager was subsequently  
4 placed on a final with additional training due  
5 to failure to react to a complaint that was  
6 brought to their attention.

7 BY ATTORNEY HERNANDEZ:

8 Q. Okay. But the manager was not  
9 terminated?

10 A. No, was not terminated.

11 Q. So you mentioned -- what -- under  
12 Allied's policies, what are managers supposed  
13 to do when somebody reports discrimination?

14 A. Managers are supposed to intake a  
15 statement immediately from the reporting party.  
16 They're also required to ask all the relevant  
17 questions; who was involved, when did it occur,  
18 has it happened previously, was this previously  
19 reported, are there any witnesses. Asking for,  
20 you know, potential areas of where it was. If  
21 there's potential camera footage, they may go  
22 review it. It just depends if there is or  
23 isn't.

24 They are to report it to HR  
25 immediately. And we partner with the managers

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1 to conduct the investigation really depending  
2 on what type of allegation it is.

3 Q. Okay. Is Allied's use of force  
4 policy mandatory?

5 A. Yes, it is.

6 Q. Okay. And so the use of force  
7 policy allows security professionals to use  
8 some force if they fear for their own safety or  
9 the safety of others; true?

10 A. No. It has to be in a very extreme  
11 level. So it's not just if they feel that  
12 there's harm, there has to be deadly threat  
13 towards them or others in order for them to  
14 engage into any physical activity with someone.  
15 But it would have to be a threat of fatality.

16 So it's kind of hard to say yes if  
17 that's the, you know, case. It has to be an  
18 extreme measure.

19 Q. For any -- are you saying there has  
20 to be a threat of deadly force for any level of  
21 the continuum in the use of force policy?

22 A. No. That would be the final one.  
23 There's several levels of the use of force  
24 policy. Our security professionals are trained  
25 that they should never engage or physically

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1 touch another individual unless their life  
2 is -- their life or somebody else's life is  
3 being threatened or harmed.

4 Q. Okay. So Allied issues guns to  
5 armed security professionals; true?

6 A. Yes.

7 Q. Okay. Allied issues guns to armed  
8 security professionals in anticipation that  
9 there may be some circumstances in which the  
10 officer may have to use deadly force; right?

11 A. It's a deterrent.

12 Q. So are the guns -- is a security  
13 professional ever justified in using their gun  
14 under the use of force policy?

15 A. As a final, final measure after all  
16 other options were exhausted and there's a  
17 threat of harm to themselves or another  
18 individual, then yes. But it's the final  
19 circumstance when all other options were  
20 exhausted.

21 Q. Okay. But they are allowed to  
22 use -- so security professionals are allowed to  
23 use deadly force if all other avenues were  
24 exhausted; right?

25 A. And there's a threat of immediate



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1 harm, yes.

2 Q. And there's a threat of immediate  
3 harm. Okay.

4 Would the use of force policy allow  
5 a security professional to use deadly force if  
6 they were fearful that immediate deadly force  
7 would be used on them?

8 A. Yes.

9 Q. Okay.

10 A. There would have to be a  
11 circumstance that shows whether there was a  
12 weapon displayed -- or predominantly just that  
13 there was a weapon displayed and that the  
14 individual was, you know, walking towards them  
15 to attack them or another individual.

16 Q. Okay. And Allied also issues tasers  
17 to officers in anticipation that there may be  
18 some circumstances where the officer has to use  
19 the TASER; right?

20 A. Yes, but again, that would be the  
21 last and final solution to -- to a scenario.

22 Q. So using a TASER would be -- would  
23 be -- so let me back up.

24 On the use of force continuum, using  
25 deadly force is the final step; right?

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1 A. Correct.

2 Q. And that's considered Level 6 force;  
3 right?

4 A. Correct.

5 Q. Okay. Using a TASER under the  
6 policy, is that considered on the same level as  
7 deadly force?

8 A. It would be right above that level.  
9 Again, there would have to be a display of some  
10 type of weapon or aggression that would --  
11 that's going to harm someone or themselves for  
12 them to be utilizing it.

13 Q. Okay. And so -- so based on that --  
14 on the policy, that would be considered Level 6  
15 force; right?

16 A. That would be --

17 Q. I'm sorry. Level 5 force.

18 A. Yes.

19 Q. Okay. 6 is the highest; correct?

20 THE REPORTER: I'm sorry,  
21 ma'am. Was that a "yes" or a "no"? You just  
22 nodded your head.

23 THE WITNESS: It was a "yes."

24 BY ATTORNEY HERNANDEZ:

25 Q. So based on the policy, I think you

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1 said using a TASER is allowed if the  
2 professional fears for his safety or the safety  
3 of others and there's been a display of  
4 aggression?

5 A. Aggression or a weapon.

6 Q. Or a weapon. Okay. Then the next  
7 level below Level 5 is Level 4; right?

8 A. Correct.

9 Q. And so that can involve if the --  
10 that can involve the use of pepper spray;  
11 right?

12 A. I believe so, or detaining at that  
13 point, if I'm not mistaken.

14 Q. Detaining? Let me see.

15 A. I would have to refer to the policy  
16 to be exact, but I believe --

17 Q. Okay.

18 A. -- it would be right above that.

19 Q. Let me see if I can share my screen.  
20 Are you able to see --

21 A. Yes, I can.

22 Q. It says "Level 4," and this is Bates  
23 marked AUS\_00115.

24 Do you recognize this as Level 4 of  
25 the use of force continuum?

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1 A. Yes, yes.

2 Q. Okay. So in looking at this, is  
3 Level 4 allowing the use of pepper spray when  
4 the officer has a fear for their own safety or  
5 the safety of others?

6 A. Yes.

7 Q. Okay. And so does Allied issue  
8 pepper spray to its security professionals in  
9 anticipation that there may be some  
10 circumstances in which they would need to use  
11 the pepper spray for their own safety or the  
12 safety of others?

13 A. Yes. Extreme measures, yes.

14 Q. Then the next level below that would  
15 be Level 3; correct?

16 A. Yes.

17 Q. And so I think this is what you were  
18 referring to before where there's -- it says,  
19 "Use of hands, control hold, and restraints";  
20 right?

21 A. Yes.

22 Q. And so Allied issues its security  
23 professionals handcuffs in anticipation that  
24 there may be some circumstances in which they  
25 need to use the handcuffs; right?

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1 A. Yes.

2 Q. And under the policy, are security  
3 professionals allowed to use handcuffs if they  
4 fear for their own safety or the safety of  
5 others?

6 A. Yes, but again, I would have to  
7 be -- that has to be somebody posing a real  
8 threat to them.

9 But, yes, that's what they would  
10 need.

11 Q. Okay. And so under -- and then  
12 below that is Level 2, which is just verbal  
13 communication; right?

14 A. Yes. I wouldn't say "just." This  
15 is the key one. This is what our security  
16 professionals are predominantly trained on as  
17 their best efforts is to verbally attempt to  
18 de-escalate the situation.

19 They truly -- at this point, if  
20 they're being unsuccessful with de-escalating a  
21 situation with an individual, the police should  
22 be involved in this matter.

23 All levels higher than this, these  
24 are just extreme in a situation where there  
25 is -- there's a threat of harm that poses a

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1 situation by providing verbal commands to the  
2 individuals and involving the police, as it  
3 should be a police matter. If that doesn't  
4 work and the police maybe don't arrive in time  
5 and the situation is escalating, then they move  
6 on to the next levels.

7 Q. Okay. Excuse me. I lost my train  
8 of thought for a second.

9 These -- these levels allow for some  
10 discretion on the part of the professional;  
11 correct?

12 A. Yes.

13 Q. I'm going to stop sharing my screen.  
14 Can you give me an example of when  
15 it would be okay for the security professional  
16 to use their TASER?

17 A. If an individual displayed a weapon  
18 such as a gun or a knife and attempted -- was  
19 maybe, like, walking towards them or another  
20 individual.

21 Q. Can you give me an example of when a  
22 security professional would be allowed to use  
23 pepper spray?

24 A. If an individual was potentially  
25 charging at them in an aggressive manner or

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1 towards somebody else in an aggressive manner.

2 Q. Okay. And can you give me an  
3 example of when the security professional is  
4 allowed to use handcuffs?

5 A. If the individual is charging at  
6 themselves or another individual in an  
7 aggressive manner.

8 Q. So is that -- that was the same  
9 example as Level 4; correct?

10 A. Correct. And that -- all armed  
11 security officers have all means available to  
12 them. Some just might have a firearm and  
13 handcuffs. Some might just have TASERS and  
14 handcuffs. Some might just have OC spray and  
15 handcuffs. It depends on the contract. It  
16 depends on what the post orders and  
17 requirements are.

18 So it's difficult to say that in  
19 each scenario, they should use first their  
20 handcuffs, then their OC spray, TASER, deadly  
21 force, when not all of our armed security  
22 officers may have all of those items available  
23 to them per the contract requirement.

24 Q. Okay. So assuming they have all of  
25 those items available, can you give me an

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1 the use of force was justified or unjustified.

2 If there was no immediate harm to any persons  
3 involved in the matter, then there wouldn't  
4 really be a reason why to use the TASER.

5 Q. Okay. Do all violations of the use  
6 of force policy result in termination?

7 A. If they are justified. I mean, I'm  
8 sorry. If it's an unjustified use of force.

9 Q. Then if -- if it's an unjustified  
10 use of force, then every security professional  
11 is terminated --

12 A. Correct.

13 Q. -- at that point? Okay.

14 Do all use -- do all -- excuse me.

15 Do all uses of force result in a  
16 root cause analysis?

17 A. No.

18 Q. Okay. When is a root cause analysis  
19 used?

20 A. First, the situation is evaluated.  
21 In situations like a verbal or physical  
22 altercation between, for example, two security  
23 professionals, a root cause analysis would not  
24 be used, but it is considered a use of force.

25 When there is an individual that is



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1 engaging with maybe a customer or, for example,  
2 engaging with, you know, an unruly -- a  
3 customer and there has been made -- physical  
4 contact to achieve a desired outcome, then a  
5 root cause analysis would be conducted.

6 Q. Okay. And does Allied have written  
7 policies and procedures on how to conduct a  
8 root cause analysis?

9 A. Yes.

10 Q. Are those mandatory?

11 A. Yes.

12 Q. What is the purpose of the root  
13 cause analysis?

14 A. The purpose of the root cause  
15 analysis is to review the circumstances of what  
16 transpired in the incident to determine whether  
17 or not the use of force was justified or  
18 unjustified.

19 Q. Okay. And so if, during the root  
20 cause analysis, it's determined that the use of  
21 force was justified, then that would -- that  
22 would not result in a termination; correct?

23 A. After review, it would -- it depends  
24 on the circumstances. But if it was considered  
25 a justified use of force and if we fully

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1 from the security professional that was  
2 involved, that doesn't just stop there. We  
3 have to do a full investigation into what  
4 transpired.

5 Q. Was there any video footage reviewed  
6 when Allied conducted Twana Ahmed's root cause  
7 analysis?

8 A. From our understanding and review,  
9 there was camera footage reviewed on property  
10 following the incident.

11 Q. Who reviewed that camera footage?

12 A. Alex Bergeron.

13 Q. Okay. Skipping back to reports of  
14 discrimination, who does Allied hold  
15 accountable if HR ignores a report of  
16 discrimination?

17 A. Yes.

18 Q. The question was: Who does Allied  
19 hold accountable if HR ignores a report of  
20 discrimination?

21 A. The individual that the report was  
22 submitted to.

23 Q. Okay. And so how are they held  
24 accountable?

25 A. In determining the facts, then they

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1 would determine which level of discipline is  
2 warranted for that individual and additional  
3 training.

4 Q. Okay. But that would not be a  
5 termination?

6 A. It's a case-by-case basis. It would  
7 determine, you know, how egregious was the  
8 complaint, you know, how it was mishandled.  
9 You know, is there a history of this.

10 It really depends, you know, if it's  
11 a new employee that maybe just didn't know what  
12 to do. You know, we put that into perspective.  
13 If it's a tenured employee that should have  
14 known better, that would play into  
15 circumstances.

16 So it would depend on the  
17 circumstances surrounding that.

18 Q. Can you clarify what you mean by if  
19 it's an egregious complaint?

20 Does that mean that HR is allowed to  
21 ignore complaints that are not considered as  
22 egregious?

23 A. No.

24 Q. Okay. Should any report of  
25 discrimination ever be ignored?

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1 A. No.

2 Q. Okay. What date was Twana Ahmed  
3 suspended?

4 A. I believe it was April 4, 2022.

5 Q. And when was he terminated?

6 A. The termination date that we have on  
7 file is April 4, 2022.

8 Q. What does that mean, "the  
9 termination date that we have on file"? Is  
10 that the actual termination date?

11 A. It's the -- it would be his last day  
12 worked. I don't know the exact date of when --  
13 it was maybe processed.

14 But the termination date we have on  
15 file for Twana is April 4th.

16 Q. So if Twana's root cause analysis --  
17 if the root cause analysis was performed for  
18 Twana after April 4th, how could he have been  
19 terminated before the analysis was performed?

20 A. I do not know.

21 Q. Is it normal procedure for Allied to  
22 first conduct the root cause analysis and get  
23 approval for that termination before the  
24 employee is terminated?

25 A. Yes.

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1 Q. Okay. Who has to approve the  
2 termination once a root cause analysis is  
3 performed?

4 A. Once a root cause analysis is  
5 performed, it is the 10-7 document that's  
6 completed at the direction of our general  
7 counsel, David Buckman.

8 We -- then it is reviewed by a panel  
9 of individuals. The manager overseeing that  
10 security professional is the ultimate  
11 decision-maker, but it is reviewed to determine  
12 whether or not the use of force was justified  
13 or unjustified.

14 Based on the determination of the  
15 panel review, then the manager makes the final  
16 decision on whether termination is warranted  
17 based on our findings.

18 Q. The manager makes the final  
19 decision. So in this situation -- in this  
20 circumstance would be Patrick Freeney?

21 A. Correct.

22 Q. Under Allied policies, if an  
23 employee is suspended for more than one day,  
24 then an HR professional must be involved;  
25 correct?

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1 expectation, but it doesn't necessarily mean  
2 that a manager would need to be involved -- an  
3 HR manager, HR director would have to be  
4 notified of every suspension in this policy.

5 Q. Okay. So despite the word  
6 "required," you're saying this is not  
7 mandatory?

8 A. It's a guideline.

9 Q. Okay. Who completed -- let me stop  
10 sharing.

11 Who completed Twana's root cause  
12 analysis?

13 A. It would have been Patrick Freeney.  
14 And the second reviewer was Felicia  
15 Solis-Ramirez. And Bill Keene was also  
16 involved in the review. The completion was  
17 done by Patrick Freeney.

18 Q. Okay. And you're saying that's  
19 normal procedure?

20 A. Correct.

21 Q. Was Patrick Freeney trained in how  
22 to conduct root cause analysis -- analysis?

23 A. He had to work in support of his  
24 direct manager Felicia because that was his  
25 first incident of a use of force incident.

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1 Q. Okay. So the question was: Was  
2 Patrick Freeney trained in how to conduct root  
3 cause analysis?

4 A. I'm sorry. I do not know.

5 Q. Okay. I want to ask about the --  
6 just in general general background on some of  
7 the supervisors for Twana.

8 I believe you mentioned Alex  
9 Bergeron. I -- is that how you pronounce his  
10 last name?

11 A. I believe so, yes.

12 Q. Alex Bergeron, when was he first  
13 hired with Allied?

14 A. I do not recall the exact dates. We  
15 have records I can refer back to. I can get  
16 exact dates, but I do not recall at this time.

17 Q. Would you be able to refer to it  
18 right now?

19 A. I would have to log into our systems  
20 to review it, yeah.

21 Q. Okay. Does Alex Bergeron still work  
22 for Allied?

23 A. Yes, he does.

24 Q. What is his title?

25 A. His current title is an armed

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1 exact number of individuals she would have --  
2 she would have directly been involved with, but  
3 it would have been the branch staff. We could  
4 definitely find that information out, as well,  
5 though.

6 Q. Did Patrick Freeney submit the  
7 hotline report?

8 A. No.

9 Q. Who submitted the report?

10 A. It was another individual in the  
11 branch. I believe her name was Savannah.

12 Q. Okay. What was the date of that  
13 investigation?

14 A. I do not recall.

15 Q. Okay. I'm not sure if I asked this  
16 before, but was Catherine Barnes the subject of  
17 an investigation while during -- has she been  
18 the subject of an investigation while at  
19 Allied?

20 A. I do not believe so, no.

21 Q. Has she been issued any discipline?

22 A. I do not know.

23 Q. Was Catherine Barnes disciplined in  
24 any way when she ignored Twana Ahmed's report  
25 of discrimination?



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1 A. I do not know.

2 Q. Would you be able to find out?

3 A. Yes.

4 Q. Could you find out right now?

5 A. I would have to get in contact with  
6 the Houston branch to do that.

7 Q. Okay. When a report of  
8 discrimination is ignored, what could happen to  
9 the employee?

10 A. I believe we covered this a little  
11 bit earlier, but it really depends on the  
12 circumstances, what transpired, and you know,  
13 it depends on the tenure of the individual as  
14 well.

15 But there should be either a  
16 coaching session or guidance provided,  
17 retraining to an individual that has ignored  
18 it. It really would depend on the manager's  
19 decision on that, but there should be some  
20 level of coaching and above to an individual  
21 that ignored a complaint.

22 Q. So let me rephrase the question. I  
23 did not ask it in a great way.

24 When a report of discrimination is  
25 ignored, what could happen to the employee

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1 that's reporting?

2 ATTORNEY SHINE: Objection.

3 Calls for speculation. Outside the scope of  
4 the 30(b)(6).

5 To the extent she has personal  
6 knowledge, she may answer.

7 THE WITNESS: I guess I don't  
8 understand the question, and I guess I don't  
9 know.

10 BY ATTORNEY HERNANDEZ:

11 Q. What's the danger in ignoring  
12 reports of discrimination to the employees that  
13 are reporting?

14 ATTORNEY SHINE: Same  
15 objection.

16 THE WITNESS: You know, in my  
17 experience, you know, obviously, there -- there  
18 is a concern if there's -- obviously, if  
19 there's not action taken immediately to  
20 investigate, because it is our standard to  
21 immediately investigate concerns as they're  
22 brought to our attention. If somebody does  
23 fail to act or escalate a concern that was  
24 brought their attention, it is our -- you know,  
25 from my experience, it is to either coach or

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1 discipline, depending, you know, case by case,  
2 determining what level is warranted in that  
3 situation.

4 BY ATTORNEY HERNANDEZ:

5 Q. Could it create an unsafe working  
6 condition for the employee -- for the  
7 reporter --

8 ATTORNEY SHINE: Same  
9 objection.

10 BY ATTORNEY HERNANDEZ:

11 Q. -- if the report is ignored?

12 A. Okay. Can you rephrase the  
13 beginning of that question?

14 Q. Sure. Could ignoring the report of  
15 discrimination create an unsafe working  
16 environment for the reporter?

17 ATTORNEY SHINE: Same  
18 objection.

19 THE WITNESS: I mean, in my  
20 experience, it could.

21 BY ATTORNEY HERNANDEZ:

22 Q. Could it lead to continued  
23 harassment?

24 ATTORNEY SHINE: Same  
25 objection.

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1 THE WITNESS: In my

2 experience, it could.

3 BY ATTORNEY HERNANDEZ:

4 Q. Could it lead to unfair discipline?

5 ATTORNEY SHINE: Same

6 objection.

7 THE WITNESS: In my

8 experience, it could.

9 BY ATTORNEY HERNANDEZ:

10 Q. Do you understand what I mean when I

11 say the "N word"?

12 A. Yes, I do.

13 Q. Do you agree that the N word is a

14 racial slur?

15 ATTORNEY SHINE: Objection.

16 Calls for a legal conclusion. Outside the

17 scope of the 30(b)(6) witness.

18 To the extent she has any personal

19 knowledge, she may testify.

20 THE WITNESS: Yes, I do.

21 BY ATTORNEY HERNANDEZ:

22 Q. Under Allied's policies, is the N

23 word considered a racial slur?

24 A. Yes, it is.

25 Q. Is it against Allied's policies to

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1 use the N word in the workplace?

2 A. Yes, it is.

3 Q. Is it against Allied's policies for  
4 managers to call workers a "sand N word"?

5 A. Yes, it is.

6 Q. On a scale of 1 to 10, with 1 being  
7 not harmful at all and 10 being extremely  
8 harmful, how harmful is it to call someone a  
9 sand N word?

10 ATTORNEY SHINE: Objection.  
11 Outside the scope of the 30(b)(6) notice.

12 To the extent she has personal  
13 knowledge or experience, she may testify.

14 THE WITNESS: In my  
15 experience, yes. I mean, sorry. I apologize.

16 ATTORNEY HERNANDEZ: Thank  
17 you. I'm just going to take a couple minutes  
18 to look over my notes, but I think I'm about  
19 ready to wrap up.

20 Take five minutes.

21 THE VIDEOGRAPHER: We are now  
22 off the record. The time is 11:21 a.m. Central  
23 Time.

24 (A recess was taken.)

25 THE VIDEOGRAPHER: We are now

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1 on the record. The time is 11:24 a.m. Central  
2 Time.

3 BY ATTORNEY HERNANDEZ:

4 Q. Okay. Just a few follow-up  
5 questions on records.

6 How does Allied ensure that employee  
7 notices of counseling are not backdated?

8 A. I would not know.

9 Q. Are is there any policy that  
10 requires that the notices of counseling be  
11 logged into a system somewhere or digitally  
12 prepared?

13 A. They are -- they could be digitally  
14 prepared or handwritten. There is no direction  
15 in which they should do it in.

16 Once a disciplinary record is  
17 completed, we should be logging it into our  
18 NAVEX system for recordkeeping.

19 Q. Okay.

20 THE REPORTER: I'm sorry.  
21 What's that system called?

22 THE WITNESS: NAVEX.

23 THE REPORTER: Thank you.

24 BY ATTORNEY HERNANDEZ:

25 Q. So once a -- once a disciplinary

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1 form is issued, it should be logged in that  
2 same day that it's given?

3 A. It doesn't necessarily need to be  
4 logged in that same day, but it should be  
5 logged in as quickly as possible.

6 Q. Okay. So then there's no -- there's  
7 no way that Allied can ensure that the notices  
8 are not backdated; true?

9 A. We would trust that our managers are  
10 putting the correct dates on there.

11 Q. Okay. But I don't think that  
12 answered the question. There's no way that  
13 Allied can ensure that the notices of  
14 counseling are not backdated; true?

15 A. True.

16 Q. Okay. How does Allied ensure that  
17 an employee is actually given the counseling?

18 A. On the bottom portion of the -- of  
19 the disciplinary notice, there's a section for  
20 signatures where it requires the employee to  
21 sign or the individual receiving the  
22 discipline.

23 If they refuse to sign it, we would  
24 write on the line that they refused to sign.

25 Q. And so if the manager wrote down,

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1 "Refused to sign," there's no way for Allied to  
2 know that the employee actually received the  
3 notice; correct?

4 A. It would be based on the information  
5 located at the bottom of the disciplinary  
6 notice. That's how we would be confirming it.

7 Q. I'm sorry. I don't think that  
8 answered the question.

9 But if -- if the manager is the one  
10 that writes down "Refused to sign" but doesn't  
11 actually give the employee the notice, there's  
12 no way for Allied to know whether the employee  
13 actually got the notice; true?

14 A. Correct.

15 Q. Does Allied, as part of its  
16 policies, require there to be a witness when an  
17 employee is counseled?

18 A. Yes.

19 Q. Okay. So is a witness to the  
20 counseling one way that Allied can ensure that  
21 the counseling actually happened?

22 A. Yes.

23 Q. Okay. And so if -- if there's -- if  
24 there isn't a witness, is that against Allied's  
25 policies?



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1 A. No, not necessarily. No.

2 Q. Okay. So sorry. Going back, I  
3 believe you just testified that it -- that a  
4 witness is required when an employee is given a  
5 notice of counseling.

6 A. Yes. On the bottom of the form, we  
7 do have space that -- to provide where the  
8 employee that's receiving the disciplinary, the  
9 manager that's issuing, and then a witness  
10 that's part of the -- that's in the room  
11 witnessing the counseling or termination  
12 transpiring should sign it, as well.

13 Q. Okay. Thank you.

14 If it's determined that a witness's  
15 signature was falsified, is that a potential  
16 red flag of retaliation?

17 A. If a witness signature is falsified?

18 Q. Yes.

19 A. No, no.

20 Q. Would that be a red flag at all to  
21 you --

22 A. It would be a red flag, yes.

23 Q. What would it be a red flag of?

24 A. Improper recordkeeping.

25 Q. So if a manager wanted to retaliate

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1 against -- retaliate against an employee by  
2 creating a paper trail of concerns and forging  
3 witness signatures, would that be a red flag to  
4 you of potential retaliation?

5 ATTORNEY SHINE: Objection.  
6 Outside the scope of the 30(b)(6) witness.

7 To the extent you're asking for her  
8 personal knowledge or opinion, she can answer.

9 THE WITNESS: Yeah. And in my  
10 personal opinion, yes, that would.

11 BY ATTORNEY HERNANDEZ:

12 Q. Okay. Is it against Allied's  
13 policies for somebody to fake signatures on  
14 counseling forms?

15 A. I'm sorry. Can you reask the  
16 question?

17 Q. Is it against Allied's policy for a  
18 manager to fake signatures of witnesses on  
19 counseling forms?

20 A. Yes.

21 Q. Is it against Allied's policies for  
22 a manager to backdate counseling forms?

23 A. I guess I would have to understand  
24 what the backdate would be. Is it backdating  
25 to not the date of the actual meeting? I would

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1 just need to get clarity on that question.

2 Q. Right. Fair enough. Is it

3 against's Allied's policy to -- for managers to

4 create counseling forms that were never

5 actually given?

6 A. Yes.

7 ATTORNEY HERNANDEZ: Okay.

8 Pass the witness.

9 ATTORNEY SHINE: I have no  
10 questions.

11 THE VIDEOGRAPHER: Okay.

12 Ms. Repsik, would you like to confirm  
13 transcript orders first?

14 THE REPORTER: Yes.

15 Mr. Shine, do you need a copy of the  
16 transcript?

17 ATTORNEY SHINE: Yes, please.

18 THE REPORTER: Does anyone  
19 need a rough draft?

20 ATTORNEY SHINE: No.

21 ATTORNEY HERNANDEZ: No  
22 thanks.

23 THE REPORTER: All right.

24 Thank you.

25 THE VIDEOGRAPHER: Okay. And